



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

McGUINNESS & MANARAS LLP  
125 NAGOG PARK  
ACTON, MA 01720

**COPY MAILED**

**JUN 26 2007**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Floyd Backes, et al.	:	
Application No. 10/781,191	:	<b>DECISION ON PETITION</b>
Filed: February 18, 2004	:	
Attorney Docket No. 160-022	:	

This is a decision on the petition under 37 CFR 1.181, filed October 18, 2006, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

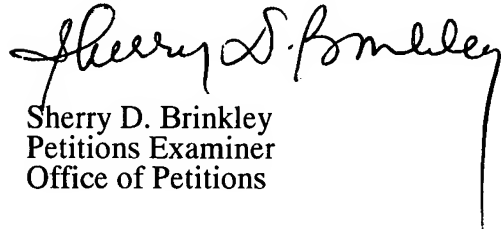
This application was held abandoned for failure to reply to the final Office action mailed March 28 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 10, 2006.

Petitioner states that, while the Notice of Abandonment was received, the Office action dated March 28, 2006 was not received. Petitioner indicates that the address of record is correct; however, petitioner notes that the Office action was returned to the USPTO as "undelivered."

A review of the written record does indicate an irregularity in the mailing of the Notice of March 28, 2006. In this regard, the final Office action in question was returned to the U.S. Patent and Trademark Office on April 7, 2006 by the U.S. Postal Service for some unknown reason. Therefore the record supports a conclusion that the final Office action was not received by petitioner.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2617 for re-mailing the Office action of March 28, 2006. The period for reply will run from the mailing date of the Office action.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long vertical line extending downwards from the end of the name.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions